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In RE:

APPLICATION NO.:	10/800,104
FILING DATE:	March 12, 2004
INVENTOR:	Steve Weinreich
TITLE OF INVENTION:	OPAQUE SEE-THROUGH NON-REFLECTIVE CONVEX MIRROR
CONFIRMATION NO.:	8933
GROUP ART UNIT:	2872
EXAMINER:	Ricky D. Shafer
DATE OF LAST OFFICE ACTION:	September 8, 2004

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Dear Sir:

I represent the above named Applicant, Steve Weinreich, with respect to the above referenced application (hereinafter the Present Application) originally filed by the Applicant *pro se*. Attached please find an executed Power of Attorney or Authorization of Agent Form PTO/SB/81. Previously, the inventor was a *pro se* applicant. Please note that the authorization is to my Customer No. 34325. I would appreciate it if you would change the correspondence address for this application to my customer number.

On March 16, 2005, the Present Application became abandoned due to the Applicant's failure to respond to your Office Action of September 8, 2004. The failure to respond and the subsequent abandonment was unintentional on the part of the Applicant, and was due to the severe illness of a close relative who is now deceased. Until recently, the Applicant was unaware that revival of the application is possible.

The Applicant is a small entity. Included with this electronic submission is the small entity petition fee for revival of an unintentionally abandoned patent application.

REPLY TO OFFICE ACTION

Your non-final Office Action dated September 8, 2004 is hereby acknowledged. At the time of your Office Action, claims 1-5 were pending in the application. The Examiner rejected all pending claims, objected to the specification, and objected to the drawings.

SPECIFICATION

The Examiner's objections to the specification are noted. In Paragraph 8 of the Detailed Action Section of your Office Action, the Examiner objected to the arrangement of the specification, and presented an MPEP suggested organization for the specification. The particular organization presented therein is not the only organization permitted. However, the Applicant now understands that certain key sections were missing entirely from the specification as originally filed, and section headings were absent.

Accordingly, the Applicant submits a Substitute Specification herewith. No new matter has been added to the disclosure. Along with the Substitute Specification, the Applicant is providing a marked-up version of the specification showing additions and deletions to the specification as originally filed.

DRAWINGS

The Application as originally filed consisted of a single drawing sheet. The Examiner objected to this drawing. Applicant acknowledges the Examiner's objection, and submits herewith a replacement sheet for FIG. 1. The Applicant further submits FIG. 2 and FIG. 3 so as to illustrate features disclosed in the specification and claimed in the claims. No new matter has been introduced into the drawings.

CLAIMS

In Paragraph 2 of the Detailed Action Section of your Office Action, the Examiner rejected claims 2-5 under 35 U.S.C. § 112, Second Paragraph. The primary reason for these rejections appear to be based upon lack of antecedent basis. The claims have been amended as follows:

- Claims 1-3 and 5 have been amended.
- Claim 4 has been canceled.
- Claims 6-8 have been newly presented.

In amending claims 1-3 and 5, the Applicant has ensured that the claim elements have proper antecedent basis.

TRAVERSAL OF THE EXAMINER'S REJECTIONS

In Paragraph 4 of the Detailed Action Section of your Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by US Patent 4,439,012 issued to Christy (hereinafter Christy). The Examiner stated:

Christy discloses a convex mirror (14) having an apertured center (26). Thus, Christy clearly teaches a perforated convex mirror. Note figures 1 and 2 along with the associated description thereof.

Christy discloses a Cassegrain optical system. One of the components of the Christy system is a plano-convex mirror (14) having a single perforation. The Present Application clearly discloses a mirror with a convex face and an opposite concave face, said mirror having a plurality

of perforations. Claim 1 has been amended to reflect this teaching. Amended claim 1 is no longer anticipated by Christy.

The Applicant respectfully requests that the Examiner reverse his rejection of amended claim 1 under 35 U.S.C. §102(b) as being anticipated by Christy.

In Paragraph 5 of the Detailed Action Section of your Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by PCT International Application Publication WO 93/17366 filed by Martin (hereinafter Martin). The Examiner stated:

Martin discloses a convex mirror (5) having a plurality of reflective portions (5a) and a plurality of physical openings or holes (10) serving as optical apertures. Thus, Martin clearly teaches a perforated convex mirror. Note figure 5 along with the associated description thereof.

The Martin application discloses a screen simulator having various components. The Examiner called the Applicant's attention to Figure 5. However, there are only three figures in the application. Figures 2 and 3 show the convex mirror (5). One must assume that mirror (5) in Figures 2 and 3 is the same mirror. Apparently, this mirror is reflective on both the convex and the concave surfaces. In Figure 2 the concave surface faces the viewer, while in Figure 3 the convex surface faces the viewer.

Claim 1 of the Present Application has been amended to recite a mirror finish on the convex surface of the mirror and a non-specular concave surface. The non-specular concave surface is essential to the operation of the invention and is contained in the teachings. This is done "to accomplish the purpose of suppressing the ability of the mirror to focus light to a hot spot." Nowhere does Martin teach that his concave surface is non-specular. Therefore, amended claim 1 is no longer anticipated by Martin.

The Examiner does not explain his rejection of claim 3. However, if claim 1 is allowable, claim 3 must also be allowable since it incorporates all of the limitations of claim 1 therein.

The Applicant respectfully requests that the Examiner reverse his rejection of amended claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by Martin.

In Paragraph 6 of the Detailed Action Section of your Office Action, the Examiner rejected claims 1, 4, and 5 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. EP 0 692 407 A1 filed by Kanazawa (hereinafter Kanazawa). The Examiner stated:

Kanazawa discloses a convex mirror (28) including a front side having a plurality of reflective areas (30,32) and an transmitting area (38) and a back side having a black/non-specular coating. Thus, Kanazawa clearly teaches a perforated convex mirror. Note Fig. 4C along with the associated description thereof.

With regard to Fig. 4, Kanazawa recites:

*Figs. 4A, 4B and 4C are views showing another prior art back mirror in which Fig. 4A is the front view, Fig. 4B is a sectional view and Fig. 4C is a partly enlarged sectional view:*¹ ...

... In the example of Figs. 4A to 4C, a dividing line 38 is formed, as shown in Fig. 4C, by cutting off a part of a reflecting film 42 formed on the front or back surface

¹Kanazawa Pg 3, Lines 23-24

of a glass substrate 40 along the border of the mirror surface areas 30 and 32. In this example also, it is difficult to see the dividing line 38 at night. Besides, the width of the dividing line 38 is so small that when a driver focuses his eyes on the rear view to look at the rear view through the back mirror 28, the dividing line 38 becomes dim and hard to see. In case an aluminum film is used as the reflecting film 42, a portion adjacent to the dividing line 38 is eroded due to high heat generated by cutting off the portion for the dividing line 38 and back coating cannot prevent such erosion.²

In Fig. 4A, we are looking at mirror surface 30 and 32 separated by a dividing line 38 which is created by scoring the reflective surface 42 along the entire height of the mirror. Here, the perforation (*i.e.*, the single dividing line) does not extend completely through the mirror so as to permit images to pass completely through the mirror. Furthermore, 38 is a single perforation. Kanazawa does not teach a plurality of perforations. Claim 1 of the Present Application has been amended so as to provide for:

- b) a plurality of perforations extend completely through the mirror such that said perforations permit images to pass completely through the mirror; ...

Kanazawa clearly does not teach this. His black back coating prevents images from passing completely through the mirror. Therefore, Kanazawa no longer anticipates amended claim 1.

Regarding claim 5, if claim 1 is allowable, then claim 5 must also be allowable since it incorporates all of the limitations of claim 1 therein. Claim 4 has been canceled.

The Applicant respectfully requests that the Examiner reverse his rejection of claims 1 and 5 under 35 U.S.C. §102(b) as being anticipated by Kanazawa.

The Applicant further respectfully requests that based upon the claim amendments, the substitute specification, and the new and amended drawings, the examiner reverse all of his rejections and objections and allow the application.

APPLICANT'S ATTEMPT TO PROVIDE A COMPLETE RESPONSE

By submitting this reply to your Office Action, the Applicant attempted in good faith to answer every ground of objection and rejection by the Examiner. However, should this reply be deficient in any respect, the Applicant respectfully requests the courtesy of an Advisory Action that would permit the Applicant to correct any defect.

Thank you for your kind attention.

Respectfully submitted,



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²*Ibid.* Pg. 2, Lines 28-35